

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CARL EUGENE MULLINS,

Plaintiff,

VS.

THE SYCUAN BAND OF THE
KUMEYAAY NATION; et al.,

Defendants.

CASE NO. 08cv0870-LAB (JMA)

RESPONSE TO ORDER TO SHOW CAUSE

RE: PRO HAC VICE; AND MARSHALS'

ASSISTANCE WITH SERVICE OF PROCESS

Order dated: JUNE 10 2008

NOW COMES THE ATTORNEY FOR THE PLAINTIFF; RAY A. JOHNSTON, on this 8th day of July 2008, to respond to the Courts ORDER, dated June 10, 2008, as was received on June 15, 2008, via regular United States Postal Service; AND to request a 60-day extension of time for the following good cause.

I - PRO HAC VICE STATUS

We do not believe that we are at presently in violation of Civil Local Rule 83.3(b) and (c) 2 because we have tendered the required \$180.00, to the court; AND We have made contact with the San Diego BAR Association to ascertain what legal resources are available and what additional cost might be incurred by our client to fill this requirement local rule requirement as follows:

1 Thank you for utilizing the Attorney Referral Service web site. We are **State bar**
 2 **certified, certification #0061**; and we are approved by the **American Bar Association** as
 3 well. We are also members in good standing with the **Better Business Bureau**. All of
 4 the attorneys on our panel have met all of the criteria of the **California State Bar**
 5 **Referral Service** regulations; and they are all in good standing with no complaints.
 6 Below you will find referral information on two attorneys for your case. They both are
 7 very good, experienced and qualified attorneys serving San Diego County. When you
 8 call, you may let them know that you were referred on line by the Attorney Referral
 9 Service for a priority placement on your call. We hope this referral helps you to resolve
 10 your situation. Thank you for the opportunity to be of service.
 11

12 Currently we are in the process of negotiations with these attorney referrals. Our client
 13 does not have resources available for additional legal expenses and perhaps we might have
 14 to seek filing application in forma pauperis before the court in order to proceed with this
 15 cause of action. We estimated that a member of the California BAR Association would cost
 16 from \$2,000.00 to \$5,000.00 to appear in court, and we wish to seek alternative methods to
 17 move forward in this action. It may be necessary to amend our initial complaint for
 18 damages.
 19

20 II – TITLE 28 USC RULE 73

21
 22 We do not dispute Civil Local Rule 83.1, but ask for clarification as to the above citation,
 23 which states in part as follows:

24 ***(a) Qualifications.** An attorney of good moral character who has been admitted to*
 25 *practice before the Supreme Court of the United States, the highest court of any*
 26 *state, the District of Columbia, a territory or possession, any United States court of*
 27 *appeals, or any United States district court, and is in good standing therein, may be*
 28 *admitted to practice before this court.*

Attorney Ray A. Johnston is in fact an attorney in good standing before the Oklahoma BAR Association; AND as is additionally cited below:

1 *(d) Pro Hac Vice Applications. An attorney who is eligible for admission to practice under*
 2 *subdivision (a) of this rule, and who has been retained to appear in a particular action by*
 3 *a legal services program may, upon written application and in the discretion of the court,*
 4 *be permitted to specially appear and participate in the particular action. A pro hac vice*
 5 *applicant shall state under penalty of perjury*

6 *(i) the attorney's residence and office address,*

7 *(ii) the court to which the applicant has been admitted to practice and the date of*
 8 *admission thereof,*

9 *(iii) that the applicant is in good standing and eligible to practice in said court,*

10 *(iv) that the applicant is not currently suspended or disbarred in any other court, and*

11 *(v) if the applicant has concurrently or within the year preceding the current application*
 12 *made any pro hac vice application to this court, the title and the number of each action*
 13 *wherein such application was made, the date of the application, and whether or not the*
 14 *application was granted. If the pro hac vice application is granted, the attorney is subject*
 15 *to the jurisdiction of the court with respect to the attorney's conduct to the same extent*
 16 *as a member of the bar of this court, and no application fee is required.*

17
 18
 19 III – INTEREST OF JUSTICE AND
 20 REQUEST FOR EXTENSION OF TIME

21
 22 We do not believe that it would be fair to our client nor in the interest of justice, if the Court
 23 were dismiss his Cause(s) of Action without prejudice without giving an additional 60-day
 24 extension to endeavor to mount the best possible legal team available to combat those counts
 25 in said Complaint for Damage that was filed on May 12, 2008.

26 Otherwise the statute of limitations might have an adverse effect on litigation proceeding of
 27 the Civil Rights Violations of Mr. Carl E. Mullins, under 42 USC 1983, and these actions would
 28 die on the vine, but for our having provided the Court our good causes cited hereinabove.

V – PACER SERVICE CENTER

The Court was advised that my legal assistant was being trained to use and access the Pacer Service Center of CM/ECF, but we have been experiencing log-in difficulty, which we understand may be related to our browser accepting cookies. Hopefully, we shall manage to correct this shortfall in an expeditious fashion.

THEREFORE, we respectfully request a 60-day extension of time to correct any shortfalls to process and to seek the best possible PRO HAC VICE legal supporter and member of the California BAR Association.

Signed on this 9th day of July 2008, at Wilburton, Oklahoma.

Ray A. Johnston

RAY A. JOHNSTON, ATTORNEY
OBA # 4742